IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2613 OF 2006

Mr.Pravin Mehta & Ors. ...Petitioners
V/s.
State of Maharashtra & Anr. ...Respondents

Mr.Niwas Kamble i/b. Mr.Ashok M. Saraogi for the Petitioners.
Mr.Y.M. Nakhawa, APP for State/Respondent No.1.
Mr.H.H. Ponde for Respondent No.2.

CORAM : V.M. KANADE, J.

DATED : SEPTEMBER 19, 2007

P.C. :-

. The learned Counsel for the petitioner and the learned Counsel for the respondent.

2. The petitioner is challenging an order passed by the Sessions Court, Mumbai dated 18th September, 2006 whereby the Sessions Court was pleased to dismiss the application filed by the petitioner herein for condoning the delay caused in filing the criminal revision application. The brief facts are as under :-

3. The petitioner was the original accused and the

the learned Metropolitan Magistrate, 30th Court, Kurla, was pleased to issue process on 14th August, 2001 in C.C.No.255/Misc./2001. The petitioner filed an application for discharge. However, this application was dismissed on 3.9.2002. This order of discharge was not challenged by the accused. Thereafter, after two and half years, the petitioners filed an application in the High Court vide Criminal Application No.3641/2005 which was disposed of by order dated 13.3.2006. Liberty, however, was granted to the petitioners to prefer the revision application in the Sessions Court. It was expressly stated in the said order that the period during which the application was pending before the High Court would stand excluded and the delay caused for the remaining period will have to be explained by the petitioner therein. The Sessions Court has observed that the delay has not been explained. In the application for condonation of delay, it can be seen that the only ground which is made that the wrong legal advise was given to the petitioners herein, therefore, they did not immediately prefer an application challenging the issue of process.

4. In my view, there is no reason to interfere with the impugned order passed by the Sessions Court. No case is made out for condoning the delay.

. Hence, Criminal Writ Petition is dismissed.

(V.M. KANADE, J.)